

R E M A R K S

In view of the Examiner's objections, applicant submits a Substitute Specification, which avoids unnecessary and redundant wording, as well as grammatical inconsistencies and infelicities of language due to a literal translation of the German text. No new matter has been introduced, and entry of the Substitute Specification is accordingly respectfully solicited.

The claims have been rewritten in an effort to overcome the objections raised by the Examiner and the rejection under 35 U.S.C. 112. Antecedents have been provided for all positively recited features, and the language is respectfully submitted to be clear.

The rejection of the claims under 35 U.S.C. 103(a) as being unpatentable over Wall et al, the primary reference, in view of the secondary and tertiary references to Shih and Toyama is respectfully traversed. It is respectfully submitted that the three references have been pieced together by the Examiner on the basis of hindsight gained from applicant's teaching, and nothing in any one of the three disclosures made such a combination obvious at the time the present invention was made, as required by Sec. 103. As the following discussion of the references will show, furthermore, even if the

combination were in accordance with the Statute, it would not lead to the claimed invention.

Wall et al, as conceded by the Examiner and acknowledged by applicant under "Description of the Prior Art," merely discloses the type of conventional self-inking hand stamp which applicant's invention seeks to improve. Shih also discloses such a hand stamp whose actuating frame has recess 31 on its top side for information sheet 35, and transparent cover 34 thereover. This teaching, too, has been acknowledged by applicant as known.

The Examiner has asserted that "Toyama shows a hand stamp with a handle having a recess ... extending continually from the top side to at least one of the broad sides with a generally U-shaped cross section." In fact, applicant can find nothing in the description of this patent to suggest, much less show, such a recess. No such recess is described, nor is there any hint for the utility of such a recess in Toyama's hand stamp. Presumably, the Examiner has based his holding on the illustration of handle 55 in Fig. 3. The strip on this handle has not been described. It certainly is not shown as a **recess**. It may merely be decorative, for instance of a different color than the rest of the handle, or it may be of a rough material enabling a better grip on the handle. At any rate, a person of ordinary skill in the art and, without a description, will not

find a recess in handle 55 in Fig. 3 without learning of such a recess in applicant's, not Toyama's, disclosure. It was not obvious at the time the present invention was made and amounts to reading applicant's teaching into the prior art.

In view of the lack of any such disclosure in Toyama as alleged by the Examiner, it is respectfully submitted that he could not have made obvious to a person of ordinary skill in the art at the time the present invention was made to change Shih's recess 31 to extend to at least one broad side, as set forth at (c)(3) of claim 19, and to provide a transparent cover of the shape recited at (d). Thus, even if the combination of the references had been obvious, it would not produce the claimed self-inking hand stamp.

In addition, applicant respectfully submits that the roller hand stamp of Toyama differs so fundamentally from that of applicant, as well as Wall et al and Shih, that a person of ordinary skill in the art of hand stamps would not find it obvious to look for guidance at roller hand stamps when he builds a self-inking hand stamp. A fixed handle on a roller hand stamp cannot be compared in structure and function to a cap-like actuating frame of a self-inking hand stamp.


A sincere effort having been made to overcome all objections and grounds of rejection, favorable reconsideration

and allowance of claim 19 and the claims dependent thereon, are respectfully solicited.

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Respectfully submitted,

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Enclosure: Substitute specification
Marked-up copy of specification

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: ASSISTANT COMMISSIONER FOR PATENTS, Washington, D.C. 20231, on April 29, 2003



MARIA GIUSTELLA